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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,888	11/01/2000	Richard C. Jaworski	21-005	4649

22898 7590 09/07/2005

THE LAW OFFICES OF MIKIO ISHIMARU
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EXAMINER

KERVEROS, JAMES C

ART UNIT	PAPER NUMBER
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2133

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Supplemental Action

Notice of Allowability

Application No.	Applicant(s)	
09/704,888	JAWORSKI ET AL.	
Examiner	Art Unit	
JAMES C. KERVEROS	2133	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- ☒ This communication is responsive to Amendment after Final filed 7/14/2005.
- ☒ The allowed claim(s) is/are 1, 2, 4-13. Renumbered as claims 1-12.
- ☒ The drawings filed on 01 November 2000 are accepted by the Examiner.
- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - ☐ All
 - ☐ Some*
 - ☐ Noneof the:
 - ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 - ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>8/3/2005</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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SUPPLEMENTAL ACTION

This is a Supplemental Action in response to information disclosure statement (IDS) submitted on 8/3/2005.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 8/3/2005 was filed before the mailing date of the Notice of Allowance on 8/15/2005. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Notice of Allowance

This is a Notice of Allowance in response to Amendment after Final filed 7/14/2005. Claims 3 and 14-35 have been cancelled.

Allowable Subject Matter

Claims 1, 2, 4-13 are allowed. Renumbered as claims 1-12.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

During a telephone interview on June 6, 2005 with Applicant's Attorney Mikio Ishimaru, the Examiner indicated allowable subject matter from claim 3, which is now incorporated into independent claim 1 with the Amendment after Final filed 7/14/2005.

The prior arts of record taken alone or in combination fail to teach, anticipate, suggest or render obvious a method for determining the performance including inter alia, "correcting errors introduced into the signal from the receiver to the transmitter at the transmitter, correcting the second errors to leave the first errors in the signal, and determining the performance of the first portion of the network from the transmitter to the receiver by comparing the signal with the first errors with the signal transmitted at the transmitter to determine the performance of the first portion of the network".

Consequently, claims 1, 2, 4-13 are allowed over the prior arts.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES C. KERVEROS whose telephone number is (571) 272-3824. The examiner can normally be reached on 9:00 AM TO 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert Decady can be reached on (571) 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

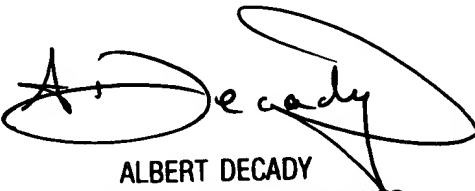
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Date: 19 August 2005
Office Action: Supplemental Action

JAMES C KERVEROS
Examiner
Art Unit 2133

By: 


ALBERT DECADY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100